

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)
Plaintiff,)
vs.)
Earland R. McKay)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 15, 2007, the supervising probation officer filed an amended petition alleging a violation of supervised release (doc. #33). With the consent of the Defendant, a hearing on the petition was held before the Honorable Alice R. Senechal, Magistrate Judge, on November 15, 2007.

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending this Court find the Defendant violated conditions of his supervised release (doc. #46). Upon review of these items and the entire file, the Court finds the Magistrate Judge's Recommendations correct and hereby adopts the Report and Recommendation. The Court thus **FINDS** that a violation of supervised release has occurred as alleged in the petition.

Based upon the Magistrate Judge's Recommendations, **IT IS ORDERED** that the Defendant's supervised release is continued, although tolled from June 1, 2007 through October 29, 2007 to

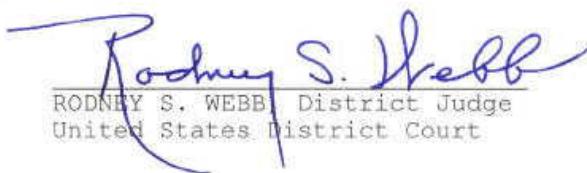
reflect the Defendant's time in State custody. Furthermore, the conditions of the supervised release are modified as follows:

- (1) Defendant shall reside at the Lake Region Law Enforcement Center ("LRLEC") until such time as the supervising probation officer determines that the Defendant has developed feasible employment, residence, and treatment plans which are acceptable to the supervising probation officer.
- (2) The Defendant shall participate in anger-management treatment, chemical-dependency evaluation and/or treatment, psychological testing and/or counseling, and sex offender evaluation and/or treatment. Results of the sex offender evaluation and treatment shall be subject to a protective order: so long as the Defendant complies with conditions of supervision, only the evaluator's diagnostic impressions and recommendations and information to confirm the Defendant's compliance with any treatment recommendations shall be released to the supervising probation officer.

- (3) All other previous conditions of supervised release shall remain in effect.
- (4) The U.S. Marshal shall transport the Defendant to LRLEC.

IT IS SO ORDERED.

Dated this 14th day of December, 2007.



RODNEY S. WEBB, District Judge
United States District Court